

SCS SB 731 -- NUISANCE ORDINANCES AND ACTIONS

SPONSOR: Nasheed (Colona)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 13 to 0.

Currently, certain counties and cities consider property to be a nuisance if it adversely affects the property values of a neighborhood due to specified reasons, including neglect or violation of a code or standard. This bill specifies that the property is also a nuisance if it affects the value of any property in the neighborhood and adds the actions of failure to reasonably maintain the property and violations of ordinances to the list of actions that lead to liability for the nuisance.

Currently, any person who owns property within a reasonable distance from the nuisance property in these counties and cities may bring a nuisance action for damages. These provisions only allow those who live within 1,200 feet to bring a nuisance action.

Current law allows a neighborhood organization in the cities and counties representing any individual who could maintain a nuisance action to bring a nuisance action for injunctive relief. The bill provides that anyone who owns property within 1,200 feet of the nuisance may also bring an action for injunctive relief. In addition, these provisions redefine a neighborhood organization and provide that these organizations may bring nuisance actions on behalf of any individual who owns property within the neighborhood described in the organization's articles of incorporation or bylaws. The bill requires a neighborhood organization to certify certain facts when filing a nuisance action.

These provisions currently apply to a Kansas City neighborhood association's ability to bring nuisance actions; this bill adds the City of St. Louis. The bill modifies the definitions governing these provisions and the notice requirements for these actions.

Current law allows a neighborhood organization representing persons aggrieved by an ordinance violation in Kansas City to seek injunctive relief. This bill allows a neighborhood organization in St. Louis or Kansas City to seek injunctive relief, on behalf of an owner or resident of property that is within 1,200 feet of a property on which there is a code violation that is in the neighborhood described in the articles or bylaws of the organization, or on its own behalf with respect to a violation on property anywhere in the neighborhood.

Currently, nuisance actions against residential rental properties

by neighborhood organizations are prohibited unless the municipal code enforcement agency has issued a nuisance violation notice at least 45 days before the action is brought, but these provisions repeal the limitation and provide that the action may not be brought if there is a citation pending against the property by the city based on a violation of the same code or ordinance provision unless it has been pending for at least 45 days and the violation has not been abated.

The bill prohibits neighborhood organizations from bringing nuisance actions if the organization has certain interests in real estate in the city or county in which the nuisance property is located and repeals a provision of current law, which specifies that standing is not granted under the statutes for a nuisance action in Kansas City involving a physical interior defect or a violation of municipal alcoholic beverages laws.

Actions are prohibited from being brought against a property owner who is in good faith compliance with an order issued by the Department of Natural Resources, Environmental Protection Agency, or the Attorney General's Office.

PROPONENTS: Supporters say that this bill will improve Missouri's urban neighborhoods and provide a mechanism to protect communities from the damage caused by absentee landlords.

Testifying for the bill was Senator Nasheed.

OPPONENTS: There was no opposition voiced to the committee.